

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with William Schmidt II on 06/24/2010. Claims 9 and 28-31 are allowed.

Please amend the claims as they appear below:

Claims 1, 2, 4, 5, 8, 12 and 21-27. Canceled.

Please replace Claim 9 as follows:

Claim 9. A method of purifying a protein of interest, comprising:

- a) providing a cell extract capable of synthesis of a protein of interest and a first affinity support;
- b) contacting the cell extract prior to synthesis of the protein of interest with the first affinity support, and thereby removing substances bound to the first affinity support from the cell extract;
- c) removing the first affinity support with the substances bound thereto from the cell extract;

- d) synthesizing the protein of interest by contacting the cell extract of step c) and mRNA; and
- e) contacting the cell extract of step d) with a second affinity support substantially the same as the first affinity support, and thereby binding and purifying the protein of interest.

REASONS FOR ALLOWANCE

The following is an Examiner's statement of reasons for allowance. While Greene et al. teach a method of performing immunoprecipitation comprising 1) pre-clearing the cell extract made from Rat embryo fibroblast cells with a first affinity support, i.e., protein-A-sepharose beads, 2) removing substances bound to the first affinity support, and 3) contacting the cell extract with a second affinity support, i.e., fresh protein-A-sepharose beads (see page 7618, right column), the Examiner has found no teaching or suggestion in the prior art directed to A method of purifying a protein of interest, comprising: a) providing a cell extract capable of synthesis of a protein of interest and a first affinity support; b) contacting the cell extract prior to synthesis of the protein of interest with the first affinity support, and thereby removing substances bound to the first affinity support from the cell extract; c) removing the first affinity support with the substances bound thereto from the cell extract; d) synthesizing the protein of interest by contacting the cell extract of step c) and mRNA; and e) contacting the cell extract of step d) with a second affinity support substantially the same as the first affinity support, and thereby binding and purifying the protein of

interest. It is noted by the Examiner that the method taught by Greene et al. is used for increasing the purity of the *already* expressed protein that is present in the cell extract. As such, one of skill in the art would not have been motivated to use the method taught by Greene et al. if the cell extract is going to be used subsequently for the synthesis of a protein of interest in order to minimize the loss of any protein involved in the protein synthesis since such proteins involved in the protein synthesis could non-specifically bind to the first affinity support, thereby impairing the cell extract's ability to synthesize a protein of interest when the first affinity support is removed from the cell extract. Therefore, the claimed invention is novel and unobvious over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jae W. Lee whose telephone number is 571-272-9949. The examiner can normally be reached between 9:00 to 5:30 on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manjunath Rao can be reached on 571-272-0939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/JAE W LEE/
Examiner, Art Unit 1656

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